

JUDGE RAKOFF

Ira Daniel Tokayer, Esq. (IT-4734)
LAW OFFICES OF IRA DANIEL TOKAYER
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07 CV 11162

Attorney for Defendant SAMANTHA RONSON

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

DAVIS & GILBERT LLP,

Plaintiff,

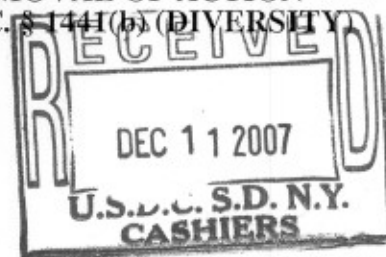
vs.

SAMANTHA RONSON,

Defendant.

Index No.

**NOTICE OF REMOVAL OF ACTION
UNDER 28 U.S.C. § 1441(b) (DIVERSITY)**



TO THE CLERK OF THE ABOVE-ENTITLED COURT:

PLEASE TAKE NOTICE that Defendant SAMANTHA RONSON ("Defendant") hereby removes to this Court the state court action described below.

1. On November 13, 2007, an action was commenced in the Supreme Court of the State of New York, County of New York, entitled *Davis & Gilbert LLP v. Samantha Ronson*, index number 603759-2007 ("State Court Action"). (True and correct copies of the Summons and Complaint from the State Court Action are collectively attached hereto as Exhibit A.)

2. This is a civil action of which this Court has original jurisdiction under 28 U.S.C. § 1332(a), and is one which may be removed to this Court by Defendant pursuant to the provisions of 28 U.S.C. §§ 1441(a) and (b).

3. This action is removed on the basis of diversity jurisdiction. There is complete diversity among the parties to this action, and the amount in controversy, exclusive of interest and costs, exceeds \$75,000.

4. Plaintiff alleges in paragraph 1 of its Complaint that it is "a New York limited liability partnership which engages in the practice of law with its principal place of business in New York City." At the time this action was commenced, and at all times thereafter, each of Plaintiff's members was, has been, and are still domiciled in the State of New York.

5. As alleged in paragraph 2 of Plaintiff's Complaint, at the time this action was commenced, and at all times thereafter, Defendant was, has been, and is still an individual domiciled in the State of California, County of Los Angeles. Defendant is not a citizen of the State of New York.

6. The amount in controversy in this action exceeds \$75,000 exclusive of interest, costs, fees and punitive damages.

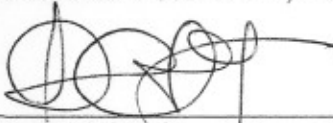
7. The Summons and Complaint in this action have not been served on Defendant. Defendant first received notice of the filing of the State Court Action on November 16, 2007, when counsel for Plaintiff sent a copy of the Summons and Complaint to Defendant's counsel by facsimile. Accordingly, removal of this action is timely under 28 U.S.C. § 1446(b).

8. Copies of the pleadings in the State Court Action are attached hereto, pursuant to 28 U.S.C. § 1446(b). (*See Exhibit A.*)

BASED ON THE FOREGOING, Defendant hereby removes this action to the United States District Court for the Southern District of New York.

Dated: December 11, 2007

IRA DANIEL TOKAYER, ESQ.

By: 

Ira Daniel Tokayer
Attorney for Defendant SAMANTHA
RONSON

Ira Daniel Tokayer, Esq. (IT-4734)
LAW OFFICES OF IRA DANIEL TOKAYER
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Attorney for Defendant SAMANTHA RONSON

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

DAVIS & GILBERT LLP,

Plaintiff,

vs.

SAMANTHA RONSON,

Defendant.

Index No.

**PLEADINGS FROM STATE COURT
ACTION RE NOTICE OF REMOVAL OF
ACTION UNDER 28 U.S.C. § 1441(b)**

TO THE CLERK OF THE ABOVE-ENTITLED COURT:

Pursuant to 28 U.S.C. § 1446(b), Defendant SAMANTHA RONSON hereby files, concurrently with her Notice of Removal of Action, copies of the following pleadings filed with the Supreme Court of the State of New York for the County of New York in an action entitled *Davis & Gilbert LLP v. Samantha Ronson*, index no. 603759-2007:

| Exhibit No. | Date | By | Pleading/Order |
|-------------|----------|-----------|----------------|
| 1. | 11/13/07 | Plaintiff | Summons |
| 2. | 11/13/07 | Plaintiff | Complaint |

Dated: December 11, 2007

IRA DANIEL TOKAYER, ESQ.

By: 

Ira Daniel Tokayer
Attorney for Defendant SAMANTHA
RONSON

Nov-16-07 16:43 From: DAVIS & GILBERT 20 421FL

T-082 P 002/008 F-540

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

DAVIS & GILBERT LLP,

Plaintiff,

-against-

SAMANTHA RONSON,

Defendant.

Index No. 603759/07

Date of Filing: November 15, 2007.

SUMMONS

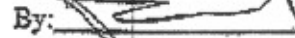
Plaintiffs designate New York
County, as the place of trial based
upon CPLR 503 (a).

TO THE ABOVE-NAMED DEFENDANT: SAMANTHA RONSON

YOU ARE HEREBY SUMMONED to answer the Complaint in this action and to serve a copy of your answer on plaintiffs' attorneys within 20 days after service of this Summons, exclusive of the day of service (or within 30 days after the service is complete if this Summons is not personally delivered to you within the State of New York) and in the case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the Complaint.

Dated: New York, New York
November 15, 2007

DAVIS & GILBERT LLP

By: 
Martin Garbus
1740 Broadway
New York, New York 10019
(212) 468-4800

Address:

Samantha Ronson
5210 North Rossmore Avenue
Apt. 102
Los Angeles, CA 90004

NEW YORK
COUNTY CLERK'S OFFICE

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WITH COPY FILE

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T-092 P 003/008 F-540

SUPREME COURT OF THE CITY OF NEW YORK
COUNTY OF NEW YORK

DAVIS & GILBERT LLP,

Plaintiff,

-against-

SAMANTHA RONSON,

Defendant.

Index No. 603759/07

VERIFIED COMPLAINT

Davis & Gilbert LLP, as attorneys pro se, for its Verified Complaint
against defendant hereby alleges as follows:

AS AND FOR A FIRST CAUSE OF ACTION

(Breach of Contract)

1. Plaintiff Davis & Gilbert LLP ("D&G" or "Plaintiff") is a New York limited liability partnership which engages in the practice of law with its principal place of business in New York City.
2. Upon information and belief, defendant Samantha Ronson ("Ronson") is an individual residing in the State of California, City of Los Angeles, with an address at 5210 North Rossmore Avenue, Apt. 102, Los Angeles, CA 90004.
3. Upon information and belief, Ronson transacts or has transacted business in the State of New York, and Plaintiff's claims arise from said transaction of business.

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4. Venue is proper pursuant to CPLR § 503 because plaintiff's principle place of business is in New York, and because the acts giving rise to the causes of action in this complaint occurred within New York County.

5. By letter dated June 8, 2007, and agreed to on June 19, 2007, Ronson retained D&G as legal counsel to represent Ronson in connection with lawsuits to be filed against websites which defamed Ronson.

6. The services rendered by D&G and by Bingham McCutchen LLP ("Bingham"), California counsel retained by D&G, were duly accepted by Ronson.

7. Statements for the services rendered by D&G and by Bingham for Ronson and costs incurred by D&G and by Bingham on behalf of Ronson presently outstanding, total for Bingham \$23,340.17 and for D&G \$141,590.55, for a total of \$164,930.72.

8. Despite demands, Ronson has failed to pay D&G and Bingham.

9. D&G and Bingham have performed all services required by them on behalf of Ronson.

10. One of the defendants, Celebrity Babylon, sued in a libel case, by Plaintiffs, on behalf of Ronson, issued a retraction, agreed to feature that retraction on its website and agreed to have that retraction on Ronson's website. Celebrity Babylon also agreed to remove any references on its website to any allegations that Ronson ever used drugs. The other defendant, Mario Lavandeira, was to be deposed at the time that Plaintiffs were discharged.

11. Defendant, after stating she intended to pay for the services rendered, claimed she was unable to pay the legal fees. She failed to return calls, missed

Nov-18-07 10:43 From DAVIS & GILBERT 20 221FL

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appointments, and otherwise acted in an unprofessional manner, making the presentation of the case, and the settlement with Celebrity Babylon, exceedingly difficult. Defendant then discharged Plaintiffs to seek a contingency lawyer.

12. There is, at present, due to D&G from Ronson the sum of \$164,930.72.

AS AND FOR A SECOND CAUSE OF ACTION

(Unjust Enrichment)

13. Plaintiff repeats and realleges each and every allegation contained in paragraphs 1 through 12 of the Complaint as if set forth fully herein.

14. D&G and Bingham rendered services for, and incurred expenses on behalf of, Ronson.

15. Ronson knew such services were being performed and such expenses were being incurred by D&G and Bingham with the expectation of payment, and Ronson acquiesced to said services being performed and said expenses being incurred, and accepted the same and received the benefits therefrom.

16. Said services rendered by D&G and by Bingham and expenses incurred by D&G and Bingham, on behalf of Ronson are reasonably worth the sum of \$164,930.72.

17. There is at present due and owing to D&G from Ronson the sum of \$164,930.72.

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AS AND FOR A THIRD CAUSE OF ACTION

(Statement of Account)

18. Plaintiff repeats and realleges each and every allegation contained in paragraphs 1 through 17 of the Complaint as if set forth fully herein.

19. Plaintiff submitted a statement of account to Ronson for D&G for the period beginning June 6, 2007 and ending October 16, 2007, totaling \$141,590.55 beyond the original retainer.

20. Plaintiff submitted a statement of account to Ronson for Bingham's services for the period September 4, 2007 and ending September 30, 2007, totaling \$23,340.17.

21. Ronson accepted Plaintiff's statement of account, saying she would work out a payout but has failed to do so.

22. There is presently due from Ronson to Plaintiff the sum of \$164,930.72, plus interest from October 16, 2007.

WHEREFORE, Plaintiff demands judgment against Ronson as follows:

- (a) On the First Cause of Action, the sum of \$164,930.72, plus interest from October 16, 2007;
- (b) On the Second Cause of Action, the sum of \$164,930.72, plus interest from October 16, 2007;
- (c) On the Third Cause of Action, the sum of \$164,930.72, plus interest from October 16, 2007;
- (d) The costs and disbursements of this action; and

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7-092 P 007/008 F-240

(e) Such other and further relief as the Court deems necessary and proper.

Dated: New York, New York
November 9, 2007

DAVIS & GILBERT LLP

By: 

Martin Garbus
Attorneys Pro Se
1740 Broadway
New York, New York 10019
(212) 468-4800

Nov-16-07 10:43 From:DAVIS & GILBERT 20 421FL

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VERIFICATION

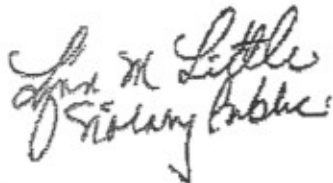
COUNTY OF NEW YORK)
) ss:
STATE OF NEW YORK)

MARTIN GARBUS, being duly sworn, deposes and says:

I have read the foregoing Complaint and know the contents thereof; the same is true to my own knowledge, except as to the matters therein stated to be alleged on information and belief, and as to those matters I believe it to be true. This verification is made by me because I am a member of the firm of Davis & Gilbert LLP, the Plaintiff in the above-captioned matter, and am familiar with the facts therein.



Subscribed and sworn to before me
this 13th day of November 2007



LYNN M. LITTLE
Notary Public, State of New York
No. 01L-16043500
Qualified in Kings County
Commission Expires June 19, 2011
Certification File in NY County